

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47546 of 2016

Arising Out of PS.Case No. -97 Year- 2016 Thana -MADANPUR District- AURANGABAD

Keshwar Mahto, Son of Late Karmu Mahto, resident of Village- Laltenganj,
P.S.- Madanpur, District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 18-11-2016 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Madanpur P.S. Case No.97 of 2016 for allegedly having
committed the offence under Section 420 of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner submits that 17 bags
of rice were recovered from magic van which, it is alleged,
belonged to the petitioner and were meant for distribution to the
beneficiaries through the Public Distribution System. As such,
the petitioner, who is the van owner, has been named in
connection with the present case. Learned counsel for the
petitioner further submits that the petitioner is merely the van
owner and has nothing to do with the sale and purchase of any

material. The vehicle is only hired for transportation of such materials.

Considering the aforementioned facts and circumstances, it appears that the petitioner being merely the van owner cannot be held liable for transportation of the rice from one place to another as he had no knowledge about its intended uses.

In view of such facts and circumstances and that the petitioner has got no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No.97 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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